

1979 WL 43258 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 30, 1979

*1 Nicholas P. Sipe, Esquire
South Carolina Alcoholic Beverage
Control Commission
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Nick:

I am writing in response to your request for an opinion dated April 24, 1979, as to whether or not the South Carolina Alcoholic Beverage Control Commission has the authority to issue a beer and wine permit and a sale and consumption license to a ship. This question presumes that the ship otherwise meets all requirements for licensure.

Although it is incumbent upon the Commission to determine whether a premises is a proper place for licensure and whether the location of the proposed business is proper, there appears to be nothing within the regulatory laws governing beer and wine or minibottles which absolutely prohibits the issuance of a license to a ship. See §§ 61-5-10 et seq., and 61-9-320 Code of Laws of South Carolina, 1976, as amended. Though some states specify that boats may be licensed, *People v. Gray*, 247 N.E.2d 298 (1968), and South Carolina does not; the licensure of a ship whose premises meets requirements and whose destined location is deemed proper by the Commission does not appear to be inconsistent with South Carolina's regulatory scheme. Thus, if the ship is otherwise qualified and it is within the best interest of the community to do so, it appears that the Commission could license the ship.

Very truly yours,

Edwin E. Evans
Assistant Attorney General

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